



Timber Security Law



GFC law enforcement officers can enforce forestry laws

relating to the protection, security, conservation, or sale of forest/timber products. Georgia has a robust set of laws that could apply to timber transactions including: theft, theft by conversion, fraud, conspiracy, forgery, deceptive business practices, ag chattels, ad valorem timber taxes, and state / federal income tax statutes.

House Bill 790 adds several important provisions

If timber is harvested without permission and a judgment is awarded, the landowner is automatically entitled to three times the fair market value of the trees, three times the value of damaged trees, reasonable reforestation costs plus attorney and litigation fees. If trespass is determined to have been willful, punitive damages may be awarded to the victim.

Scale Ticket Law has been clarified so when timber is harvested by the unit, landowner must be given the ticket along with payment within 20 days after harvest. (Note—this timeline matches the Ag Chattels law that already requires payment in same timeframe.) Scale ticket must have all correct information including correct tract name. Violations are a separate misdemeanor for each load of timber with incorrect scale ticket information.

Unintended Harvest Protection for landowners reduces liability for landowners during the sale of their timber if property lines are clearly marked, a survey is conducted, or the adjacent landowner agrees to lines. These are not requirements for harvest however.

****Four year statute of limitations to recover damages from an unauthorized timber harvest****

Landowners should educate themselves and plan for harvests

Develop a management plan
Plan the harvest
Have a sales contract
Monitor the harvest
Plan for reforestation

Hire a registered forester
Determine sales method
Execute the sale and harvest
Closeout the buyer / logger

Landowners are encouraged to monitor their property regularly, control access, and locate / mark boundary lines.

What should you do if you have a timber transaction complaint?

If you have a complaint about actions affecting your timber, specific steps should be followed. First, attempt to resolve the situation with the parties involved. If that fails, or if harvesting parties are unknown, then:

1. Record all information you know and can gather about the situation. Include contracts, dates, names and contact information for other parties involved and anyone who may have seen or have knowledge of the events.
2. Once information has been obtained, *report the incident to your local Georgia Forestry Commission office.*

For more information on timber management and transactions call your local GFC office or visit gatrees.org